

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

RICHARD HARRY CLARK,

Debtor.

Case No. 23-49061

Chapter 13

Judge Thomas J. Tucker

**ORDER REGARDING THE DEBTOR’S “MOTION TO INCUR DEBT FOR
TRANSCRIPTS FOR COURT OF APPEALS” (DOCKET # 100);
DENYING THE MOTION IN PART, AND OTHERWISE ORDERING FURTHER
PROCEEDINGS, AND ADJOURNING THE AUGUST 29, 2024 HEARING**

This case is before the Court on the motion filed by the Debtor, Richard Clark, entitled “Motion to Incur Debt for Transcripts for Court of Appeals” (Docket # 100, the “Motion”). The creditor Jillian Clark (the “Creditor”) objected to the Motion, and the Motion currently is scheduled for a hearing on Thursday, August 29, 2024 at 9:00 a.m.

The Court has reviewed all of the papers filed by the parties regarding the Motion (Docket ## 100, 106, 111, 118, and 121). The Court finds good cause to enter the following Order.

The Motion seeks two forms of relief: first, the Motion seeks authority to incur debt, to enable the Debtor to pay for trial transcripts to support the Debtor’s pending appeal(s) in the Michigan Court of Appeals; and second, the Motion seeks authority to “start a Go Fund Me page” to raise funds to pay for the trial transcripts.

To the extent the Motion seeks authority for the Debtor to incur debt, the Court must deny the Motion, without prejudice, because the Motion states no details whatsoever about the debt the Debtor wishes to incur. The Debtor apparently does not yet have any source willing to lend him money for such a debt. The Debtor may seek authority to incur debt again in the future,

when and if the Debtor has a specific lender and loan available, and files a new motion to incur debt that states the material terms of the proposed loan.

To the extent the Motion seeks authority to “start a Go Fund Me page” to raise funds to pay for the transcripts, such request is certainly a novel one in the context of this Chapter 13 case, but it is not unthinkable. The Court cannot yet grant such relief on the present record, however, because the Motion fails to present sufficient details about this proposed scheme for raising funds. The Court is willing to consider granting some relief of the type alluded to by the Motion, but only after the Debtor presents a much more specific and detailed plan for such a Go Fund Me page. Under the circumstances, the Court is of the view, tentatively at least, that the details for such a plan must include, among other things, the following:

- A requirement that the Go Fund Me page be administered by the Debtor and no one else.
- A requirement that all funds raised by the Go Fund Me page be kept in a separate bank account, and not be commingled with any other funds.
- A requirement that the Debtor promptly provide to the Trustee and to the Creditor copies of all bank statements for such separate bank account.
- A requirement that the Debtor file in this case weekly reports providing specific and complete details regarding the donations received and any expense(s) incurred.
- A requirement that the Debtor obtain this Court’s written approval before spending any money raised.
- A requirement that the Debtor terminate the Go Fund Me page and accept no further donations as soon as the trial transcript cost has been raised.

For the reasons stated above, the Court orders the following.

IT IS ORDERED that:

1. The Debtor's Motion (Docket # 100) is denied, to the extent it seeks authority to incur debt. Such denial is without prejudice to the extent described in this Order, above.
2. To the extent the Motion seeks authority for the Debtor to start a Go Fund Me page for the stated purpose, **no later than September 6, 2024**, the Debtor must file a supplement to the Motion, which states the specific terms of the proposed Go Fund Me page relief, as described in this Order, above.
3. The Creditor and the Chapter 13 Trustee each may file a response to the Debtor's foregoing supplement. Any such response(s) must be filed **no later than September 13, 2024**.
4. The hearing on the Motion that is currently scheduled for August 29, 2024 at 9:00 a.m. is adjourned to **September 26, 2024 at 9:00 a.m.**

Signed on August 27, 2024



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge